

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

WAYNE REDDING

also known as : :

WAYNE REDDICK : :

Plaintiff, : :

v. : :

THE STATE OF GEORGIA, et al., : :

Defendants. : :

Civil Action No.

5:12-CV-0174-CAR

ORDER ON MOTION TO PROCEED IPP ON APPEAL

Plaintiff Wayne Redding has filed a motion to proceed *in forma pauperis* on appeal (ECF No. 146) from the Court's June 14, 2013, Order (ECF No. 139) granting Defendants' Motion to Dismiss the Recast Complaint due to Plaintiff Wayne Redding's failure to exhaust administrative remedies for all but one of his claims and his failure to state a claim upon which relief may be granted with respect to his properly exhausted claim.

In the Court's best judgment, an appeal from that Order cannot be taken in good faith. Plaintiff's Motion to Proceed *in forma pauperis* on appeal is accordingly **DENIED**. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal *in forma pauperis* . . . unless . . . the district court . . . certifies

that the appeal is not taken in good faith").

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the \$455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$455.00 has been paid. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated.

SO ORDERED AND DIRECTED this 26th day of July, 2013.

S/ C. Ashley Royal
C. ASHLEY ROYAL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

jlr